

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JOHNNY LEE MILLER,  
Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
APPLICATION FOR RELEASE  
AND CAUTION AGAINST  
FURTHER MERITLESS FILINGS

Case No. 2:00-CR-210 TS

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In October 2000, Defendant was sentenced to serve 146 months as his sentence on his guilty plea of three counts of armed bank robbery. His § 2255 petition was denied on July 16, 2003.<sup>1</sup>

Defendant now files an "Application for Release." The Application does not cite any statute or rule that could form a basis for such relief. Instead he proffers an incomprehensible argument regarding an "antecedent debt," and seeks a lien on himself

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<sup>1</sup>Docket No. 40.

as an “asset transferred” as the basis for his Application. The government opposes the Application because it fails to raise a coherent argument for the relief Defendant seeks.

The Court agrees that the Application fails to state any coherent argument for Defendant’s release, is meaningless and incomprehensible and, therefore, will be denied.

The Court notes that it previously entered an Order Denying Defendant’s Motion for Summary Judgment on the grounds that his issues were not raised by coherent argument, and finding that it and four previously filed documents were “meaningless” and “incomprehensible.”<sup>2</sup>

The Court has liberally construed all of Plaintiff’s pro se filings. The Court finds that the present Application is the sixth in a series of meaningless and meritless filings. The Court cautions Plaintiff that any “further filings on meritless matters may result in summary disposition without discussion and an order asking him to show cause why this court should not limit his future filings and provide for sanctions.”<sup>3</sup> The Court “further caution[s] [Plaintiff] that the fact he is a pro se litigant does not prohibit the court from imposing such sanctions against him.”<sup>4</sup> It is therefore

ORDERED that Defendant’s Application for Release (Docket No. 51) is DENIED.  
It is further

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<sup>2</sup>Docket No. 50, at 2-3.

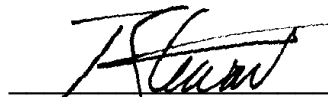
<sup>3</sup>*United States v. Evans*, 248 Fed. Appx. 53, 57 (10th Cir. 2007).

<sup>4</sup>*Id.*

ORDERED that any further filings in this closed case may result in an order to show cause as set forth above.

DATED April 10, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART  
United States District Judge